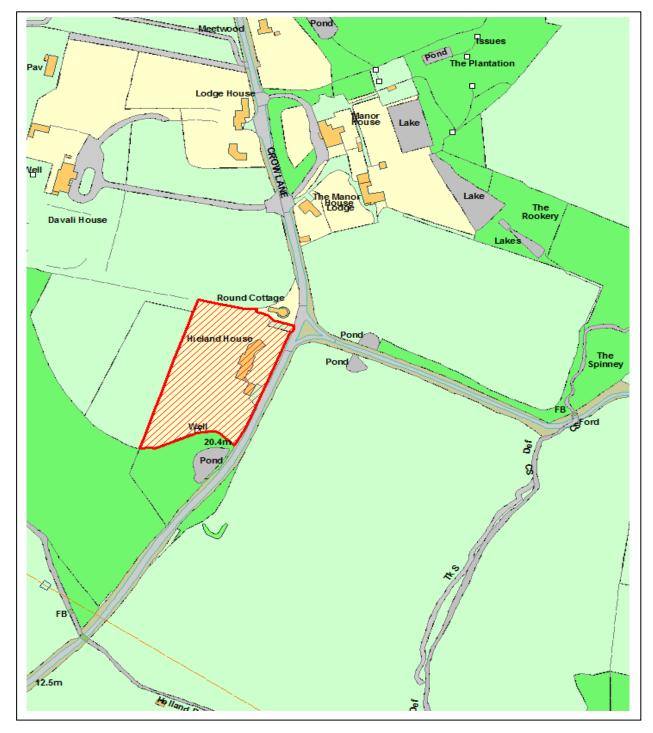
PLANNING COMMITTEE

29 MARCH 2017

REPORT OF THE HEAD OF PLANNING

A.5 <u>PLANNING APPLICATION - 16/01920/FUL - HIELAND HOUSE, CROW LANE,</u> <u>TENDRING, CO16 9AW</u>



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Application:	16/01920/FUL	Town / Parish: Tendring Parish Council
Applicant:	Mr D Messenger - EHG Capital Ltd	
Address:	Hieland House Crow Lane Tendring	
Development:	Use of property for w	eddings and similar functions.

1. <u>Executive Summary</u>

- 1.1 This planning application has been referred to Planning Committee due to the high level of representations received from residents in respect of the noise impact of the proposals.
- 1.2 The application site is located on the western side of Crow Lane to the north of Weeley and to the south of Tendring. The site accommodates a large dwelling that was extended extensively in the 1990's. The area is predominantly rural in character.
- 1.3 This application is solely for the change of use of Hieland House from a domestic dwelling to a venue for weddings and similar functions. There are no alterations or extensions proposed to the property.
- 1.4 An identical planning application (Planning Reference 16/00925/FUL) was refused in October 2016 due to the acoustic survey that was submitted being inconsistent with the activities proposed. This re-submission attempts to overcome the previous sole reason for refusal through the submission of an acoustic survey that accurately reflects the proposals.
- 1.5 In the absence of any objections from the Council's Environmental Health Department, Essex County Council Highways and the Council's Trees and Landscaping Officer the development, in accordance with the conditions recommended below, is considered to be acceptable in respect of its impact upon residential amenity, highway safety, heritage impacts and visual amenity and tree concerns. As such the application is recommended for approval.

Recommendation: Approve

Conditions:

- Time Limit
- Limit Functions continuing after 7pm to 14 per year ceasing at midnight
- No events to take place on a Sunday beyond 6pm
- Doors shall be fitted with automatic closers
- Visibility splays to access (2.4 metres by 48 metres to the north and 2.4 metres x 55 metres to the south)
- Vehicular turning/parking facilities provided prior to first use and retained thereafter
- No unbound materials within first 6m of access
- Access to be constructed at right angles to road at a width of no less than 6m
- No gates to be installed to access
- Details of RPA's of trees to northern boundary and use of 'no dig' technology in areas where parking extends into those areas.
- All parking spaces being 2.9m x 5.5m in size
- Details of acoustic fencing to parking area

- No amplified music outside of the function room (labelled Wedding Ceremony Room on approved plans)
- Details of external lighting scheme
- Details of an overspill parking area for 20 vehicles
- Limit firework displays to 4 per year prior to 11:30pm only
- Submission of Noise Mitigation Details (Informative Signage to Guests & Staff Requirements during noise sensitive hours)
- Accordance with Approval Plans

2. <u>Planning Policy</u>

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

ER16 Tourism and Leisure Uses

COM22 Noise Pollution

- EN1 Landscape Character
- EN23 Development Within the Proximity of a Listed Building
- **TR1A Development Affecting Highways**
- TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (July 2016)

- SPL3 Sustainable Design
- PP8 Tourism
- PPL3 The Rural Landscape
- PPL9 Listed Buildings

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 14th July 2016, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document. As this plan is currently at an early stage of preparation, some of its policies can only be given limited weight in the determination of planning applications, but the weight to be given to emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

3. <u>Relevant Planning History</u>

16/00925/FUL	Use of property for wedding and	Refused	21.10.2016
	similar functions.		

4. <u>Consultations</u>

Environmental Health

(First Comments)

Environmental Health would recommended a condition is put in place ensuring all windows and doors in the function room be generally kept closed when amplified music is playing apart from ingress and egress.

Also within one month of proposed use and completion of sound control measures, to submit a noise report confirming previous details and subsequent measurement data demonstrating compliance.

(Revised Comments)

Agree to inclusion of conditions as listed below;

- Limit Functions continuing after 7pm to 14 per year ceasing at midnight
- No events to take place on a Sunday beyond 6pm
- Doors shall be fitted with automatic closers
- Details of acoustic fencing to parking area
- No amplified music outside of the function room at any time and sound system directed away from open windows
- Limit firework displays to 4 per year prior to 11:30pm only
- Noise level at receptor properties must not exceed that which the noise impact report states would be the maximum (section 6 of acoustic survey)

ECC Highways Dept	This Authority has assessed the highway and transportation impact of the proposal and does not wish to raise an objection to the above application subject to the following:	
	- Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 48 metres to the north and 2.4 metres x 55 metres to the south, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.	
	- Prior to occupation of the development the vehicular parking and turning facility, as shown on the submitted plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.	
	- No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.	
	- Prior to occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 6 metres, shall be retained at that width within the site and shall be provided with an appropriate dropped kerb vehicular crossing.	
	- At no point shall gates be provided at the vehicular access. The access shall remain open and free for use in perpetuity.	
	 Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity. 	
Tree and Landscaping Officer	The proposed construction of the new car parking area on the existing lawn has the potential to adversely affect the trees situated on the front boundary of the application site and the land to the north.	
	A site visit reveals that the proposed car park is in a location where there appears to be sufficient separation between the engineering works and the trees that there will not be an incursion into the Root Protection Area, of the existing trees.	
	If planning permission is likely to be granted then a condition should be attached to secure details of the extent of the Root Protection Areas (RPA's) of the trees on the eastern boundary. If, and only if, the hard surfacing associated with the construction of the car park is within the RPA's of the trees then details of 'no dig' construction techniques should be provided.	
Regeneration	The Regeneration Team generally supports this application as not only will it provide at least 4 additional full time jobs in the short term, it will also provide an additional unique venue for weddings and other special events.	

However they would like to see an assurance that any noise created

on the days and evenings the venue is operational is kept to a minimum to ensure it will not have a detrimental impact on the neighbouring properties.

5. <u>Representations</u>

Tendring Parish Council objects to the application for the following reasons;

- excessive, obtrusive noise and disco music emanating from open doors and windows at the property spilling out across the road and fields to nearby properties;
- serious risk of road traffic accidents from increased peak traffic at event times;
- a precedent being set by the conversion of an aspirational large residential property, in a country village setting, for commercial use;
- the conversion and use as a commercial property has continued for over 2 years without planning permission;
- noise report is flawed as no data taken to represent a live event with open windows/doors at night;
- application forms states venue will be connected to mains drainage, there is no mains drainage in the village;
- impossible to keep party goers in a relatively small function room, high risk of spill out of residents into garden causing noise nuisance;
- part of property has been converted into office use without permission;
- clear intention to use marquee for weddings;
- totally inappropriate place for a party/wedding/event business due to rural/agricultural character of the Crow Lane.

A total of 26 objections have been received. The comments received are summarised below:

- intolerable noise to local residents, affecting sleep and enjoyment of property.
- dangerous bend on narrow country lane and concerns over increased level of traffic utilising the site.
- not on mains drainage/likelihood for septic tank to overflow.
- no economic benefit to local community.
- already sufficient level of wedding venues in the locality.
- residential area and therefore no need for a commercial enterprise in this location.
- noise report is flawed and does not consider the actual circumstances emanating from the use of the premises. The survey fails to address noise being caused from windows/doors remaining open during evening events.
- firework displays upsetting pets and wildlife.
- car parking provision inadequate.
- loss of residential unit
- building already used in past for functions/office use without planning permission in place.
- light pollution
- taking business away from Tendring Village Hall.
- noise survey does not provide reassurance that the noise impact would not be loud and not cause a disturbance to local residents.

6. <u>Assessment</u>

The main planning considerations are:

- Site Description
- Proposal

- Planning History
- Principle of Development
- Highway Considerations
- Residential Amenities
- Heritage Impact
- Tree/Landscaping Considerations

Site Description

- 6.1 The application site is located on the western side of Crow Lane to the north of Weeley and to the south of Tendring. The site accommodates a large dwelling that was extended extensively in the 1990's. The property is set within spacious grounds behind a frontage wall with entrance piers. To the north of the site are a number of detached properties most of which are set within large grounds. Directly to the north is a listed building known as Round Cottage. To the south is woodland. There are three existing vehicular access points, one adjacent to the northern boundary and an 'in' and 'out' arrangement to the centre of the plot.
- 6.2 The surrounding area is largely agricultural in character although a cricket ground and a restaurant are located at the northern end of the lane towards Tendring village.
- 6.3 As stated above the house has been extended with two wings on the northern and southern side of the original core of the dwelling. The northern wing is currently utilised as office space in conjunction with the applicant's wedding business. The southern wing contains the main entrance and the function room. The northern boundary of the plot is well screened by existing timber fencing and trees and shrubs.

Proposal

- 6.4 This application is solely for the change of use of Hieland House to allow it to be used for holding weddings and similar functions. There are no alterations or extensions proposed to the property.
- 6.5 This application therefore seeks to establish the venue as a formal wedding and function suite. The supporting documentation confirms that weddings and other functions would take place within the large extension to the southern wing and that the venue would accommodate a maximum of up to 60 guests.
- 6.6 Most functions would take place during the daytime on weekdays and these would cease at 7pm. These would take the form of coffee mornings, fund raising events and children's parties/clubs. The applicant's agent has confirmed that the number of events taking place beyond 7pm would be restricted to 14 per year and that these would cease at 12 midnight.
- 6.7 A new internal access road and parking area is proposed. The parking area would serve 22 spaces.

Planning History

- 6.8 A sporadic function use has been operating from the building over last two years under the provisions of the General Permitted Development Order. These functions have included a number of weddings, birthday parties and anniversaries and fund raising events.
- 6.9 Planning permission was submitted and refused last year under planning reference 16/00925/FUL. As part of the refused planning application an acoustic assessment was undertaken, which did not specifically address the proposals being applied for. The survey referred to the use of a marquee, the use of the grounds for up to 100 guests and a car

parking area to the rear of the site. In view of the inconsistencies between the survey submitted and the actual proposals it was not adequately demonstrated that the development proposed, in terms of the use of the building for functions and the use of the proposed parking area, would not adversely impact upon local resident's amenity. This planning application has now been re-submitted with an acoustic assessment that accurately reflects the development proposals.

Principle of Development

- 6.10 The site is located in a rural location outside of any defined settlement boundary. The National Planning Policy Framework at paragraph 28 supports the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings and seeks to support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. Emerging Policy PP13 reflects this stance and supports the conversion and re-use of buildings in the countryside to employment, leisure and tourism uses.
- 6.11 In this instance, the proposed function use will employ 4 full time members of staff and through the use of the venue for functions will bring people into the area assisting in the growth of the rural economy. The use of the venue for charity/fundraising events will also provide a meeting place for the local community promoting social cohesion.
- 6.12 As such the development would be in accordance with Government Guidance as contained in the National Planning Policy Framework, which supports economic growth and the expansion of all types of business and enterprise in rural areas. Consideration therefore turns to the detailed aspects of the proposals and particularly, given the previous reason for refusal, the impact upon local resident's amenities.

Highways Considerations

- 6.13 In view of the proposed change from a domestic use to a leisure use and highway implications this could cause a site specific Transport Statement has been carried out. The statement concludes the following;
- 6.14 'The proposed change of use would include the improvement of the site access. The site access currently has a substandard visibility envelope. The visibility envelope which would be available with the revised site access arrangements would meet nationally recognised design standards. Annual vehicle movements are expected to be similar with the proposed uses as compared to the extant residential use. There will be increases in weekend flows however these will largely be compensated for by decreases in weekday flows such that there would be a net increase of less than 5%.
- 6.15 Based on the findings of this Highways Statement it can be concluded that the effect of granting consent for this development in transport and highway terms would not cause noticeable harm and consequently could not be considered as having a severe effect'.
- 6.16 Essex County Council Highways have reviewed the proposals and the findings of the transport statement and do not object to the application subject to the conditions stated above concerning the provision of visibility splays to the new centralised access, the parking/turning area being provided prior to first use, no unbound material in first 6m of highway access, the vehicular access being to a width of 6m and formed at right angles to the road, no gates to the site access and parking spaces being 2.9m x 5.5m in size. These requirements will be secured through the use of appropriately worded conditions.

6.17 In terms of parking provision, the layout shows that 22 parking spaces would be provided on the land to the north of the building. This area is in addition to the existing 6 spaces provided for staff. The Council's parking standards state that for function/conference centres in rural areas parking provision shall be determined on each proposals individual merits. The supporting documentation states that a maximum of 60 guests could be at an event. Whilst it is acknowledged that some guests may attend a function via minibus or taxi an overspill parking area should be agreed. The applicant has confirmed that they are open to a condition securing details of an overspill parking area to the west of the proposed parking arrangement. This would provide parking for 20 additional vehicles, which is considered to be acceptable.

Residential Amenities

- 6.18 The use of the property for functions has the potential to impact upon residents living to the north of the application site, through noise and disturbance from the use of the building itself and from the use of the proposed car parking.
- 6.19 As stated above the previous application (Ref 16/00925/FUL) was refused solely on the basis that the accompanying acoustic assessment was not consistent with the activities and development proposed. Consequently, this planning application has now been submitted with an assessment that accurately reflects the proposals.
- 6.20 The acoustic assessment concludes the following;
 - That amplified music contained to within the function room, if played at a reasonable level that allows conversation and dancing, is predicted to be at levels significantly below the existing ambient noise level affecting all identified receptors during the daytime and late evening hours;
 - Assessment assumes windows and doors would be closed when amplified music is playing. However, if windows were to be opened for ventilation purposes the noise levels would still be well below the ambient levels at the identified receptors, but the sound may be audible in the gardens of the receptors due to the character of the music. The music is still unlikely to disturb sensitive receptors but windows and doors are recommended to be kept closed when loud music is playing;
 - The context of the use should be taken into consideration as mitigation. The number of functions continuing beyond 7pm will be restricted to 14 only. Therefore relatively few days will have the potential to generate audible sound, even if windows were to be opened for ventilation purposes;
 - Traffic entering and leaving the site is unlikely to be noticeable for activities during the week as it will be sporadic and an insignificant volume compared to current traffic flow. At the weekend for wedding functions there will be a temporary increase in traffic which may well be noticeable by local residents. However, the relatively short periods of impact in the day and few events in a year, it is not expected that site traffic will disturb residents;
 - Noise from the closing of car doors in the parking area adjacent to the northern boundary does have the potential to disturb residents at 'Round Cottage', which is less than 10m away. It is therefore recommended that barriers are erected directly around the parking spaces at least 1.8m high and 25mm thick to act as a noise buffer;
 - Signage should be installed asking guests to respect neighbour's amenity and staff members should be in attendance to remind guests if necessary during noise sensitive hours.

- 6.21 The Council's Environmental Health Department have reviewed the submitted acoustic survey. Their original comments suggested conditions relating to all windows and doors being closed during the playing of amplified music and the submission of a further noise report 1 month after the use commencing to check compliance. However, both of these conditions would fail to meet the planning conditions tests. The closure of all doors and windows would not be enforceable due to the high level of movements associated at a wedding function and the request for a further sound report would not be reasonable as the noise levels stipulated in the submitted acoustic survey can be secured via condition.
- 6.22 In view of the conditions recommended by Environmental Health being unenforceable and not reasonable, a list of enforceable and reasonable conditions that are relevant to the development proposed were forwarded onto Environmental Health colleagues for comment. The conditions are listed in the recommendation above and include; limiting functions after 7pm to 14 per year and ceasing at midnight, no events on Sundays beyond 6pm, doors being fitted with automatic closers, details of the acoustic fencing to the parking area being provided prior to commencement, no amplified music outside of the function room and sound system directed away from windows, limit firework displays to 4 per year prior to 11:30pm only and noise levels at receptor properties not exceeding those stated within the noise survey report (factoring in a 15Db increase for open windows). Environmental Health Officers have now confirmed that they are satisfied with the conditions proposed.
- 6.23 In addition to the conditions noted above which aim to mitigate the impact, it must also be noted that the intended function room is located within the southern wing of the building at the furthest point from the nearest noise sensitive receptors. This means that sound will generally be directed away from the receptors, and/or be shielded by the bulk of the house. The resultant noise at the nearest receptors is therefore considerably below the existing ambient levels during the daytime and at night even when allowing for the 15Db increase for open windows during hot weather.
- 6.24 Therefore in view of the findings of the acoustic survey and the relatively infrequent nature of functions extending on beyond 7pm it is considered that the impact upon local residents would fall within acceptable tolerances. The imposition of the conditions stated above will assist in mitigating against any perceived impact upon local resident's amenity and provide baseline noise levels which any concerns can be assessed against in the future.

Heritage Impact

- 6.25 Directly to the north of the site is a Grade II Listed Building known as 'Round Cottage'. This is a lodge dating back to the 19th Century and is octagonal in shape. The construction of the parking area will be close proximity to the listed property. However, the parking will consist of a gravel surface and will be supplemented by planting. Furthermore, the parking spaces will replace an existing driveway. The acoustic survey recommends the provision of 1.8m fencing to the rear of the parking area. However, this fencing would be seen against the backdrop of the existing fencing present on the northern boundary of the site and therefore have a low impact.
- 6.26 The impact upon the setting of the adjacent listed building is therefore considered to be minimal.

Visual Amenity/Trees

6.27 The only external changes proposed are those to the access and through the creation of an external parking area. The parking area would be set to the side and rear of the property on its northern side and therefore be largely screened in views from Crow Lane by the existing

property, current vegetation and by the existing wall to the front of the site. The impact upon visual amenity from the proposals would therefore be minor.

- 6.28 In regard to the car park area and the impact upon existing trees, the Council's Tree Officer has commented as below;
- 6.29 'A site visit reveals that the proposed car park is in a location with sufficient separation between the engineering works and the trees that there will not be an incursion into the Root Protection Area, of the existing trees. In terms of the construction of the car park the development proposal does not threaten harm to the existing trees on the application site or adjacent land. If planning permission is likely to be granted then a condition should be attached to secure details of the extent of the Root Protection Areas (RPA's) of the trees on the eastern boundary. If, and only if, the hard surfacing associated with the construction of the car park is within the RPA's of the trees then details of 'no dig' construction techniques should be provided'.
- 6.30 As such a condition is recommended to secure details of the Root Protection Areas of the trees on the northern boundary along with the use of 'no dig' technology if the parking areas extend into those protection areas.

Background Papers

None.